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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,459	11/16/2005	Naoki Sawada	XA-10291	8167
181 7590 05/01/2008 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833				
EXAMINER JOHNSON, MATTHEW A				
ART UNIT 3682		PAPER NUMBER		
NOTIFICATION DATE 05/01/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocketing@milestockbridge.com  
sstiles@milestockbridge.com

# Office Action Summary

**Application No.**

10/526,459

**Applicant(s)**

SAWADA ET AL.

**Examiner**

MATTHEW JOHNSON

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2 and 4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-7003 in view of Kurita (USP-6,282,978).

Re clm 2: JP 10-7003 discloses a position adjustable steering apparatus for a vehicle comprising:

- A vehicle body side bracket (6) having a vehicle body mount portion (Fig. 8) to be mounted on a vehicle body and paired left and right opposed flat plate portions (7) extending in the substantially vertical direction;
- A steering column (3) for rotatably supporting a steering shaft (2), the steering column having an expanded portion (11), formed by expanding a portion of a tubular material, that is to be in pressure contact with the pair of opposed flat plate portions of said vehicle body side bracket;
- A shaft (13) inserted through said pair of opposed flat plate portions and said expanded portion; and

- An adjustment mechanism (14) that acts on said shaft as an operation lever (12) is rotated, for adjusting the distance between said pair of opposed flat plate portions,

JP 10-7003 does not disclose a width of the steering column along a line crossing the center of the steering column is larger than the width of said expanded portion where said shaft is inserted.

Kurita teaches (Fig. 5; C5 L67-C6) a width (D) of a steering column (2') along a line (D) crossing the center of the steering column (Fig. 5) is larger than the width (B) where a shaft (8) is inserted for the purpose of providing a tight coupling between the brackets and the steering column (C6 L33-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device disclosed in JP 10-7003, such that a width of the steering column along a line crossing the center of the steering column is larger than the width of said expanded portion where said shaft is inserted, as taught by Kurita, for the purpose of providing a tight coupling between the brackets and the steering column (C6 L33-52).

Re clm 4: JP 10-7003 discloses a position adjustable steering apparatus for a vehicle comprising:

- A vehicle body side bracket (6) having a vehicle body mount portion (Fig. 8) to be mounted on a vehicle body and paired left and right opposed flat plate portions (7) extending in the substantially vertical direction;
- A steering column (3) for rotatably supporting a steering shaft (2), the steering column having a first expanded portion (11), formed by expanding a portion of a tubular material, that is to be in pressure contact with the pair of opposed flat plate portions of said vehicle body side bracket;
- A shaft (13) inserted through said pair of opposed flat plate portions and said expanded portion; and
- An adjustment mechanism (14) that acts on said shaft as an operation lever (12) is rotated, for adjusting the distance between said pair of opposed flat plate portions
- Wherein said steering column has a second expanded portion (20) expanded from a substantially center portion thereof at said vehicle body mount portion side

JP 10-7003 does not disclose a width of the steering column along a line crossing the center of the steering column is larger than the width of said first expanded portion where said shaft is inserted and the width of said second expanded portion.

Kurita teaches (Fig. 5; C5 L67-C6) a width (D) of a steering column (2') along a line (D) crossing the center of the steering column (Fig. 5) is larger than the width (B)

where a shaft (8) is inserted for the purpose of providing a tight coupling between the brackets and the steering column (C6 L33-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device disclosed in JP 10-7003, such that a width of the steering column along a line crossing the center of the steering column is larger than the width of said first expanded portion where said shaft is inserted and the width of said second expanded portion, as taught by Kurita, for the purpose of providing a tight coupling between the brackets and the steering column (C6 L33-52).

### ***Response to Arguments***

3. Applicant's arguments filed 1/4/2008 have been fully considered but they are not persuasive.

4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that the teachings of Kurita do not relate to the dimensional relationship between an expanded portion and a line crossing the center of the steering column because the bracket (12) and the steering column (2') are separate parts joined together. However, the primary reference JP 10-7003, is relied upon to disclose the claimed expanded portions. Kurita is replied upon for his teaching of having a width of

the steering column along a line crossing the center of the steering column larger than the width of a portion where the shaft is inserted for the purpose of providing a tight coupling between the brackets and the steering column (C6 L33-52). In the JP 10-7003 reference, the portion where the shaft is inserted (10) is in the first expanded portion (11). Regarding claim 4, the first (11) and second (20) expanded portions disclosed in JP 10-7003 have the same width. Therefore, the combination of the references meets the limitations of the claims.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MATTHEW JOHNSON** whose telephone number is

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(571)272-7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J./  
Examiner, Art Unit 3682

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3682



